

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE MARCH 28, 2006

**SENATE BILL**

**No. 1437**

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**Introduced by Senator Kuehl**

**(Coauthors: Senators Bowen, Kehoe, and Migden)**

(Coauthors: Assembly Members Goldberg, Laird, Leno, Pavley, and Yee)

February 22, 2006

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An act to amend Sections ~~51204.5~~, 51500, 51501, ~~60040~~, and 60044 of the Education Code, relating to prohibited instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, as amended, Kuehl. School instruction: prohibition of discriminatory content.

Existing law prohibits instruction or school sponsored activities that reflect adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions to include race or ethnicity, gender, disability, nationality, sexual orientation, and religion, *defined as specified*.

Existing law prohibits a governing board from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin,

ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, disability, nationality, sexual orientation, religion, *defined as specified*, and occupation.

This bill also would make technical, nonsubstantive changes to those provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 51204.5 of the Education Code is~~  
2     ~~amended to read:~~

3     ~~51204.5. Instruction in social sciences shall include the early~~  
4     ~~history of California and an age-appropriate study of the role and~~  
5     ~~contributions of both men and women, Black Americans,~~  
6     ~~American Indians, Mexicans, Asians, Pacific Islanders, and other~~  
7     ~~ethnic groups, and people who are lesbian, gay, bisexual, or~~  
8     ~~transgender, to the economic, political, and social development~~  
9     ~~of California and the United States of America, with particular~~  
10    ~~emphasis on portraying the role of these groups in contemporary~~  
11    ~~society.~~

12    ~~SEC. 2.~~

13    ~~SECTION 1.~~ Section 51500 of the Education Code is  
14    ~~amended to read:~~

15    ~~51500. No teacher shall give instruction nor shall a school~~  
16    ~~district sponsor any activity that reflects adversely upon persons~~  
17    ~~because of their race or ethnicity, gender, disability, nationality,~~  
18    ~~sexual orientation, or religion, as those terms are defined in~~  
19    ~~Section 422.56 of the Penal Code.~~

20    ~~SEC. 3.~~

21    ~~SEC. 2.~~ Section 51501 of the Education Code is amended to  
22    ~~read:~~

23    ~~51501. No textbook or other instructional materials shall be~~  
24    ~~adopted by the state board or by any governing board for use in~~  
25    ~~the public schools that contains any matter reflecting adversely~~  
26    ~~upon persons because of their race or ethnicity, gender,~~  
27    ~~disability, nationality, sexual orientation, or religion, as those~~  
28    ~~terms are defined in Section 422.56 of the Penal Code.~~

1     ~~SEC. 4. Section 60040 of the Education Code is amended to~~  
2     ~~read:~~

3     ~~60040. When adopting instructional materials for use in the~~  
4     ~~schools, governing boards shall include only instructional~~  
5     ~~materials which, in their determination, accurately portray in an~~  
6     ~~age-appropriate manner the cultural, racial, gender, and sexual~~  
7     ~~orientation diversity of our society, including:~~

8     ~~(a) The contributions of both men and women in all types of~~  
9     ~~roles, including professional, vocational, and executive roles.~~

10    ~~(b) The role and contributions of Native Americans, African~~  
11    ~~Americans, Mexican Americans, Asian Americans, European~~  
12    ~~Americans, and members of other ethnic and cultural groups to~~  
13    ~~the total development of California and the United States.~~

14    ~~(c) The contributions of people who are lesbian, gay, bisexual,~~  
15    ~~or transgender to the total development of California and the~~  
16    ~~United States.~~

17    ~~(d) The role and contributions of the entrepreneur and labor in~~  
18    ~~the total development of California and the United States.~~

19    ~~SEC. 5.~~

20    ~~SEC. 3. Section 60044 of the Education Code is amended to~~  
21    ~~read:~~

22    ~~60044. No instructional materials shall be adopted by any~~  
23    ~~governing board for use in the schools that, in its determination,~~  
24    ~~contains:~~

25    ~~(a) Any matter reflecting adversely upon persons because of~~  
26    ~~their race or ethnicity, gender, disability, nationality, sexual~~  
27    ~~orientation, or religion, as those terms are defined in Section~~  
28    ~~422.56 of the Penal Code, or occupation.~~

29    ~~(b) Any sectarian or denominational doctrine or propaganda~~  
30    ~~contrary to law.~~